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E.O. 12958: DECL: 08/31/2029
TAGS: [KACT](#) [PARM](#) [START](#) [US](#) [RS](#)
SUBJECT: SUPPLEMENTAL GUIDANCE FOR U.S. START FOLLOW-ON
TREATY DELEGATION (DRAFT NEW START TREATY INSPECTION
PROTOCOL) (CABLE 7 OF 7)

REF: A. STATE 088262 (U.S.-PROPOSED TREATY TEXT PART 1)
[1](#)B. STATE 088263 (U.S.-PROPOSED TREATY TEXT PART 2)
[1](#)C. STATE 088259 (U.S.-PROPOSED DEFINITIONS ANNEX
PART 1)
[1](#)D. STATE 088260 (U.S.-PROPOSED DEFINITIONS ANNEX
PART 2)

Classified By: Jerry A. Taylor, Director, VCI/SI.
Reason: 1.4(b) and (d)

[1](#)1. (S) BACKGROUND: On August 25, 2009, U.S. Embassy Moscow provided the texts of the Draft New START Treaty Articles and the associated Definitions Annex to the Russian Federation (Refs A-D). This cable contains the U.S.-proposed draft of the New START Treaty Inspection Protocol. A courtesy Russian language translation will be sent to the Delegation in Geneva by e-mail. The Annexes to the Inspection Protocol will be sent Septel when they are complete, but are unlikely to be finished prior to the end of the August 31-September 3, 2009 session.

[1](#)2. (S) This is the seventh of seven cables. This cable contains paragraph 26 of Section XIV through the signature block of the U.S.-proposed Draft Inspection Protocol. Delegation and Embassy should note that, due to the length of the draft, the text was sent using multiple cables.

[1](#)3. (S) GUIDANCE: Delegation should provide a copy, including the courtesy Russian language translation, of the U.S.-proposed Draft Inspection Protocol to the Russian Delegation and, as time permits, explain the U.S. positions on the Protocol. Delegation should encourage Russian questions and reactions to the U.S. text and seek to identify areas of agreement and disagreement. Delegation should explain that the associated Inspection Protocol Annexes will be provided as soon as possible.

[1](#)4. (U) ACTION REQUEST: Embassy Moscow is requested to combine the texts of the U.S.-proposed draft New START Treaty Inspection Protocol contained in the associated cables into one document and provide a courtesy copy of that text to appropriate host government officials. Embassy Moscow should explain that the U.S. Delegation in Geneva provided the Russian Delegation a paper and electronic copy of the text as well as a courtesy Russian-language translation of the text. Embassy is requested to confirm delivery of the text, the name and office of the official to whom it was delivered, the date of delivery, and any comment or reaction provided at that time.

15. (S/Releasable to the Russian Federation) Begin text:

126. The following restrictions shall apply within and near the perimeter continuous monitoring area:

(a) Unobstructed tunnels shall not be permitted under the perimeter continuous monitoring area; obstructed tunnels shall be subject to examination.

(b) Waterways, canals, or unobstructed culverts shall not be permitted to cross the perimeter continuous monitoring area; obstructed culverts shall be subject to examination.

(c) Aircraft shall not be permitted to arrive within the perimeter of the monitored facility unless the monitors have been informed in advance of their arrival, except for an emergency at such a facility. In case of an emergency, the in-country escort shall inform the monitors of the arrival of an aircraft within the perimeter of that facility immediately after such an arrival.

(d) Cranes shall not be permitted to be erected within 20 meters of either side of the boundaries of the perimeter continuous monitoring area unless the monitors have been informed in advance.

127. During the establishment, operation, or maintenance of a perimeter and portal continuous monitoring system, the inspecting Party shall not impede the inspected Party's access to any structures or security systems.

128. The inspecting Party shall provide an escort into any of its portal buildings constructed in accordance with paragraphs 22 and 23 of this Section, when the inspected Party desires access to such buildings.

129. Any two members of the monitoring team shall have the right to travel no more than one time per week to the embassy or consulate of the inspecting Party on the territory of the inspected Party. The monitoring team leader or the authorized representative of such a team shall inform a member of the in-country escort of the planned date of each such trip. The inspected Party shall make arrangements for each such trip in accordance with paragraph 11 of Section VI of this Protocol.

130. No more than nine diplomatic personnel of the inspecting Party who are members of the Treaty implementation unit of that Party's embassy or consulate on the territory of the inspected Party, shall have the right to travel, no more than two times each year, to each facility subject to continuous monitoring, if monitors are present at such a facility, or monitored facility, with no more than two persons traveling each time and staying at such a facility for no more than two days. Arrangements for such travel shall be made in accordance with established procedures for travel by diplomats to open areas. Such personnel shall be permitted unrestricted movement in the free movement zone associated with the facility subject to continuous monitoring or monitored facility. In accordance with Article 32 of the Vienna Convention on Diplomatic Relations of April 18, 1961, the Parties agree to waive the inviolability of any article, including personal baggage, their diplomatic personnel may be carrying at the last airport prior to arrival at the facility subject to continuous monitoring or monitored facility, except that this waiver of immunity shall not apply to papers. This waiver shall not apply to any other privileges and immunities accorded diplomatic personnel. Other requests for visits shall be considered on a case-by-case basis.

131. Once notification in accordance with paragraph 16 of Section III of this Protocol has been provided, monitors shall have the right to move from one facility subject to continuous monitoring or monitored facility directly to another such facility and take with them equipment and

supplies. The inspected Party may assign escorts to the monitors during such movements. The equipment and supplies brought with them may be examined by the inspected Party upon arrival at another facility subject to continuous monitoring or monitored facility under the same terms as when they arrived on the territory of the inspected Party.

¶32. The inspecting Party shall not take any actions with respect to structures of the inspected Party without its consent. If the Parties agree that structures of the inspected Party are to be rebuilt or demolished, either partially or completely, the inspecting Party shall provide the necessary compensation.

¶33. The inspected Party shall not interfere with the installed equipment of the inspecting Party or restrict the access of the monitors to such equipment. The in-country escort shall have the right to observe such equipment during its installation, testing, operation, and maintenance at the facility subject to continuous monitoring or monitored facility.

¶34. The inspected Party shall not interfere with continuous monitoring activities.

¶35. For the purpose of continuous monitoring after dark or during inclement weather the inspected Party, at the request of and at the expense of the inspecting Party, shall ensure sufficient lighting at the portal, road exits, and along the perimeter of the monitored facility to permit monitors to carry out their functions, including obtaining clear images of items being verified using a system of video cameras.

¶36. Continuous monitoring of containers, launch canisters, and vehicles exiting from the monitored facility shall be carried out subject to the procedures provided for in Annex 5 to this Protocol.

XV. Cancellation of Inspections

¶1. An inspection shall be canceled if, due to circumstances brought about by force majeure, it cannot be conducted. If an inspection is canceled due to circumstances brought about by force majeure, the number of inspections to which the inspecting Party is entitled shall not be reduced.

¶2. In the case of a delay, including a delay due to circumstances brought about by force majeure, that prevents an inspection team conducting an inspection pursuant to paragraph 2, 3, or 5 of Article XI of the Treaty from arriving at the inspection site during the time specified in paragraph 14 of Section VI of this Protocol, the inspection team leader may either cancel or conduct the inspection. If an inspection is canceled due to delay, the number of inspections to which the inspecting Party is entitled shall not be reduced.

¶3. If the time to transport an inspection team or subgroup exceeds the times specified in paragraphs 11 and 12 of Section VII, paragraph 14 of Section IX, or paragraph 8 of Section X of this Protocol, the inspection team leader may either cancel or conduct the inspection. If such an inspection is canceled, the number of inspections to which the inspecting Party is entitled shall not be reduced.

¶4. For inspections conducted pursuant to paragraphs 2, 3, or 5 of Article XI of the Treaty, pre-inspection restrictions shall be canceled if, due to circumstances brought about by force majeure, items subject to pre-inspection restrictions must be removed from the inspection site. In the case of pre-inspection restrictions being canceled due to circumstances brought about by force majeure, the inspection team leader may either cancel or conduct the inspection. If an inspection is canceled, the number of inspections to which the

inspecting Party is entitled shall not be reduced.

¶15. If the inspected Party interrupts the procedures for nuclear warhead inspection for reasons of personnel or equipment safety, the inspection team leader may cancel the inspection. In that case, the number of inspections to which the inspecting Party is entitled shall not be reduced.

XVI. Inspection Reports and Continuous Monitoring Reports

¶1. During post-inspection procedures the inspection team leader shall provide the in-country escort with an official written inspection report in the language of the inspecting Party and an unofficial translation of the report in the language of the inspected Party. Such a report shall be provided no later than two hours after the beginning of the post-inspection procedures or no later than one hour after the arrival of all subgroups of the inspection team at the location where such procedures are carried out, whichever is later. The report shall be factual. It shall include the type of inspection conducted; the inspection site; the type and number of missiles, stages, launchers, heavy bombers, ballistic missile submarines, and support equipment subject to the Treaty observed during the period of inspection and all measurements recorded in accordance with paragraph 19 of Section VI of this Protocol. Photographs taken during the inspection as well as any site diagrams or maps of the inspection site provided for in paragraph 8 of Section VII, paragraph 8 of Section VIII, or paragraph 6 of Section IX of this Protocol, shall be considered to be part of the report. The report shall be signed by the inspection team leader and by a member of the in-country escort. Each Party shall retain one copy of the report.

¶2. Within three days after the end of each month, the monitoring team leader shall provide the in-country escort with an official written continuous monitoring report in the language of the inspecting Party and an unofficial translation of the report in the language of the inspected Party. The report shall be factual. It shall include the number of vehicles declared to contain items of the inspected Party subject to the Treaty that left the monitored facility through the portal specified in paragraph 13 of Section XIV of this Protocol during that month. The report shall also include all measurements of containers contained in these vehicles recorded in accordance with paragraph 19 of Section VI of this Protocol. Photographs taken during continuous monitoring shall be considered to be a part of the report. The report shall be signed by the monitoring team leader and by a member of the in-country escort. Each Party shall retain one copy of the report.

¶3. The inspected Party shall have the right to include written comments in the report.

¶4. The Parties shall, when possible, clarify ambiguities regarding factual information contained in the inspection report or the continuous monitoring report. Relevant clarifications shall be recorded in the report.

This Protocol is an integral part of the Treaty and shall enter into force on the date of entry into force of the Treaty and shall remain in force so long as the Treaty remains in force. As provided for in subparagraph (b) of Article XIII of the Treaty, the Parties may agree upon such additional measures as may be necessary to improve the viability and effectiveness of the Treaty. The Parties agree that, if it becomes necessary to make changes in this Protocol that do not affect substantive rights or obligations under the Treaty, they shall use the Bilateral Consultative Commission to reach agreement on such changes, without resorting to the procedure for making amendments set forth in Article XVI of the Treaty.

Done at _____ on _____, in two originals, each in the

English and Russian languages, both texts being equally authentic.

For the United States of America:

For the Russian Federation:

End text.

CLINTON